

United States District Court
Western District of Kentucky
601 West Broadway
Louisville, Kentucky 40202-2249
502/625-3500

FILED

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2004 DEC 27 A 10 23

Jeffrey A Apperson
Clerk of Court

U.S. DISTRICT COURT
EASTERN DIST. TENN.
William W. Clark
BY DEPT. CLERK Deputy Clerk

December 22, 2004

Clerk
U. S. District Court
Eastern District of Tennessee
900 Georgia Avenue
Chattanooga, TN 37402

In Re: *USA vs. Gerald Wayne Phillips*
Our Case No.: 3:04MJ-341
Your Criminal Case No.: 4:04-cr-29, Judge Edgar


Dear Clerk:

Enclosed are certified copies of the paperwork on file in this office on the above-referenced defendant who was arrested in this district pursuant to your warrant.

If you have any questions, please contact this office at 502-625-3530.

Sincerely,

JEFFREY A. APPERSON, CLERK

By: 
Susan D. Bridges

/sdb

Enclosures

cc: USA
USP
USM

U.S. District Court
Western District of Kentucky (Louisville)
CRIMINAL DOCKET FOR CASE #: 3:04-mj-00341-DW-ALL
Internal Use Only

FILED

2004 DEC 27 A 10: 23

Case title: USA v. Phillips**Other court case number(s):** Eastern District of Tennessee,
4:04-cr-29**Date Filed:** 12/21/04 U.S. DISTRICT COURT
EASTERN DIST. TENN.**Magistrate judge case number(s):** None

BY _____ DEPT. CLERK

Assigned to: Magistrate Judge Dave

Whalin

Referred to:**Defendant(s)**
-----**Gerald Wayne Phillips (1)**represented by **Laura R. Wyrosdick**Western Kentucky Federal Community
Defender, Inc.

629 Fourth Avenue

200 Theatre Building

Louisville, KY 40202

502-584-0525

Fax : 502-584-2808

Email: laura_wyrosdick@fd.org

LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Designation: Public Defender or**Community Defender Appointment***Pending Counts**

None

Disposition
-----**Highest Offense Level (Opening)**

None

Terminated Counts
-----**Disposition**

None

Highest Offense Level (Terminated)

None






Complaints

None

Disposition
-----**Plaintiff**

USA

represented by **David R. Weiser**
 U.S. Attorney Office - Louisville
 510 W. Broadway
 10th Floor
 Louisville, KY 40202
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Filing Date	#	Docket Text
12/21/2004	 <u>1</u>	Indictment (and copy of warrant -- warrant not scanned) from Eastern District of Tennessee filed by USA as to Gerald Wayne Phillips. (SDB) (Entered: 12/22/2004)
12/21/2004	 <u>2</u>	CJA 23 Financial Affidavit by Gerald Wayne Phillips. (SDB) (Entered: 12/22/2004)
12/21/2004	 <u>3</u>	NOTICE OF ATTORNEY APPEARANCE: Laura R. Wyrosdick appearing for Gerald Wayne Phillips (SDB) (Entered: 12/22/2004)
12/21/2004	 <u>4</u>	WAIVER of Rule 5 and 5.1 hearings by Gerald Phillips. (SDB) (Entered: 12/22/2004)
12/21/2004	 <u>5</u>	WAIVER of right to a detention hrg in this district by Gerald Phillips. (SDB) (Entered: 12/22/2004)

United States District Court
Western District of Kentucky
at Louisville

2004 DEC 27 A 10: 23

UNITED STATES OF AMERICA

PLAINTIFF

VS.

U.S. DISTRICT COURT
EASTERN DISTRICT OF TENN.
CRIMINAL ACTION NUMBER: 3:04MJ-341

GERALD WAYNE PHILLIPS

BY _____ DEPT. CLERK

DEFENDANT

ORDER ON INITIAL APPEARANCE

The above-styled case came before the Honorable Dave Whalin, United States Magistrate Judge and was called in open Court on December 21, 2004 for an initial appearance on a warrant from the Eastern District of Tennessee. The Court questioned the defendant under oath regarding his ability to afford counsel and determined he was eligible for appointment of counsel. The Court will appoint the Office of the Federal Defender.

APPEARANCES

For the United States: David Weiser, Assistant United States Attorney

For the defendant: Defendant, - Present and in custody
Laura R. Wyrosdick - Asst. Federal Defender - Appointed - Present

Court Reporter: Dena Legg

At the initial appearance the defendant acknowledged his identity, was furnished with a copy of the indictment and advised of the charges therein and was advised of his rights.

The removal and detention hearings were waived.

IT IS ORDERED that the defendant be detained in the custody of the U.S. Marshal and be removed forthwith to the Eastern District of Tennessee.

This 21th day of December, 2004

ENTERED BY ORDER OF THE COURT:
DAVE WHALIN
UNITED STATES MAGISTRATE JUDGE
JEFFREY A. APPERSON, CLERK
BY: /s/: Andrea Kash
Andrea Kash - Deputy Clerk

Copies: U.S. Attorney
U.S. Probation
U.S. Marshal
Counsel for Defendant

015

CERTIFIED
U. S. DISTRICT COURT
LOUISVILLE, KY.
DATE: 12/22/04

Filed

FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

FILED

Jeffrey A. Apperson, Clerk

DEC 21 2004

U.S. DISTRICT COURT
EASTERN DIST. TENN.

U.S. DISTRICT COURT
WESTN. DIST. KENTUCKY

BY _____ DEPT. CLERK

PLAINTIFF

UNITED STATES OF AMERICA

VS.

NO. 3:04mj-341

Gerald Phillips

DEFENDANT

WAIVER OF DETENTION HEARING

I acknowledge that the Magistrate Judge has informed me of my right to a detention hearing, pursuant to the provisions of Title 18, United States Code, Section 3142, and that I understand that right.

_____ I HEREBY WAIVE my right to a detention hearing.

X I HEREBY WAIVE my right to a detention hearing in this district, and reserve the right to move for a detention hearing in the district where the charges originate.

_____ I HEREBY WAIVE my right to a detention hearing at this time, and reserve the right to move for a detention hearing at a later date.

X Gerald Wayne Phillips
DEFENDANT

Date 12/21/04

CERTIFIED
U. S. DISTRICT COURT
LOUISVILLE, KY.

DATE: 12/22/04

BY: [Signature]
Deputy Clerk

[Signature]
COUNSEL FOR DEFENDANT or Deputy Clerk

FILED
Jeffrey A. Apperson, Clerk

FILED
UNITED STATES DISTRICT COURT

DEC 21 2004

WESTERN

2004 DEC 21 A 10: 23

U.S. DISTRICT COURT
WESTN. DIST. KENTUCKY
KENTUCKY AT LOUISVILLE

UNITED STATES OF AMERICA

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY DEPT. CLERK **WAIVER OF RULE 5 & 5.1 HEARINGS**
(Complaint/Indictment)

V.
Gerald Phillips
Defendant

CASE NUMBER: 3: 04 m5-34

CHARGING DISTRICTS
CASE NUMBER: 4: 04 cr 29

I understand that charges are pending in the Eastern District of Tennessee
alleging violation of _____ and that I have been arrested in this district and
(Title and Section)

taken before a judge, who has informed me of the charge(s) and my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) a preliminary hearing (unless an indictment has been returned or information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held in this district or the district of prosecution; and
- (4) Request transfer of the proceedings to this district under Rule 20, Fed. R. Crim. P., in order to plead guilty.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☒ identity hearing
- ☐ preliminary hearing
- ☐ identity hearing but request a preliminary hearing be held in the prosecuting district and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Gerald W. Phillips
Defendant

12/21/04
Date

[Signature]
Defense Counsel

CERTIFIED
U. S. DISTRICT COURT
LOUISVILLE, KY.

DATE: 12/22/04
BY: [Signature]

UNITED STATES ~~FILED~~ DISTRICT COURT

WESTERN

KENTUCKY

District of
2004 DEC 21 A 10: 23

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY _____ DEPT. CLERK **APPEARANCE**

CASE NUMBER: 30mg-341

To the Clerk of this court and all parties of record:

Enter my appearance as counsel in this case for

Gerald
Wayne
Phillips

I certify that I am admitted to practice in this court.

12/21/04
Date

Signature
Office of the Federal Defender
Assigned Attorney, Laura Wyrosdick
Print Name
629 S. Fourth Avenue
200 Theatre Bldg.
Address
Louisville, KY 40202
City State Zip Code
(502) 584-0525 584-2808
Phone Number Fax Number

CERTIFIED
U. S. DISTRICT COURT
LOUISVILLE, KY.

DATE: 12/23/04
BY: Deputy Clerk

FINANCIAL AFFIDAVIT

C-1A-22
(Rev. 5/98)

IN SUPPORT OF REQUEST FOR ATTORNEY, EXPERT OR OTHER COURT SERVICES WITH PAYMENT OF FEE

IN UNITED STATES
IN THE CASE OF

☒ MAGISTRATE ☐ DISTRICT ☐ APPEALS COURT or ☐ OTHER PANEL (Specify below)

FILED

Jeffrey A. Apperson

LOCATION NUMBER

VS.

2004 DEC 27 A 10:23

DEC 21 2004

PERSON REPRESENTED (Show full name)

U.S. DISTRICT COURT
EASTERN DIST. TENN.

BY DEPT. CLERK

☒ Felony
☐ Misdemeanor

CHARGE/OFFENSE (describe if applicable & check box)

- WESTN. DIST. KENTUCKY
- ☐ Defendant - Adult
 - ☐ Defendant - Juvenile
 - ☐ Appellant
 - ☐ Probation Violator
 - ☐ Parole Violator
 - ☐ Habeas Petitioner
 - ☐ 2255 Petitioner
 - ☐ Material Witness
 - ☐ Other (Specify)

COURT DOCKET NUMBERS

District Court
Court of Appeals

ANSWERS TO QUESTIONS REGARDING ABILITY TO PAY

EMPLOYMENT

Are you now employed? ☐ Yes ☒ No ☐ Am Self Employed

Name and address of employer:

NONE

IF YES, how much do you
earn per month? \$

IF NO, give month and year of last employment
How much did you earn per month? \$

If married is your Spouse employed? ☐ Yes ☐ No

(NOT MARRIED)

IF YES, how much does your
Spouse earn per month? \$

If a minor under age 21, what is your Parents or
Guardian's approximate monthly income? \$

OTHER INCOME

Have you received within the past 12 months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, retirement or annuity payments, or other sources? ☐ Yes ☒ NO

RECEIVED

SOURCES

IF YES, GIVE THE AMOUNT
RECEIVED & IDENTIFY \$
THE SOURCES

NONE

CASH

Have you any cash on hand or money in savings or checking account ☐ Yes ☒ No IF YES, state total amount \$

PROPERTY

Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No

VALUE

DESCRIPTION

IF YES, GIVE THE VALUE AND \$
DESCRIBE IT

NONE

DEPENDENTS

MARITAL STATUS

☒ SINGLE

☐ MARRIED

☐ WIDOWED

☐ SEPARATED OR
DIVORCED

Total
No. of
Dependents

List persons you actually support and your relationship to them

NONE

OBLIGATIONS
& DEBTS

DEBTS &
MONTHLY
BILLS

(LIST ALL CREDITORS,
INCLUDING BANKS,
LOAN COMPANIES,
CHARGE ACCOUNTS,
ETC.)

APARTMENT
OR HOME:

Creditors

Total Debt

Monthly Payt.

\$

\$

\$

\$

\$

\$

\$

\$

I certify under penalty of perjury that the foregoing is true and correct. Executed on (date)

12-21-04